

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:14-CR-00135-BSM

BOBBY WELLS

DEFENDANT

ORDER

Bobby Wells's motion for compassionate release [Doc. No. 204] is denied.

Wells pleaded guilty to conspiracy to distribute and possession with intent to distribute fifty or more grams of actual methamphetamine. Doc. No. 86. He was sentenced to 180 months of imprisonment and five years of supervised release. Doc. No. 126. He moves for compassionate early release, pursuant to 18 U.S.C. section 3582(c)(1)(A), which requires consideration of 18 U.S.C. section 3553 sentencing factors. There is jurisdiction over his motion because he has exhausted his administrative remedies. *See* Doc. No. 204.

Wells contends that he qualifies for compassionate release because his underlying medical conditions greatly increase his likelihood of suffering severe complications from COVID-19. Doc. No. 201 at 2. He argues that his facility is crowded and lacks appropriate sanitation procedures to prevent the spread of COVID-19, *id.* at 2–4, warranting his compassionate release. 18 U.S.C. § 3582(c)(1)(A)(i).

In response, the government argues that Wells is ineligible for a sentence reduction because he is a danger to the community. U.S.S.G. § 1B1.13. This is true because Wells is serving a prison sentence for distribution of methamphetamine; he has a lengthy history of

substance abuse; he has been arrested twice for domestic violence; and he has a history of absconding. Doc. No. 207 at 8. Moreover, although Wells's cardiomyopathy and hypertension are COVID-19 risk factors, nothing in the record indicates that he is suffering from physical or mental deterioration; and general concerns about coronavirus exposure do not satisfy the "extraordinary and compelling" requirement of section 3582.

Wells's request is denied because he is a danger to society, and there is no reason to revisit the Section 3553(a) factors that were considered at the time of sentencing. *See, e.g.*, *United States v. Ram*, 2020 WL 3100837, at *3 (E.D. Ark. June 11, 2020).

IT IS SO ORDERED this 4th day of December, 2020.



UNITED STATES DISTRICT JUDGE